

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

By virtue of Applicant's election of claims 1-10 without traverse (See reply to the restriction requirement filed on 5/4/09), in the claims:

Cancel claims 11-35.

2. Claims 1-10 and 36 are allowed. The following is an examiner's statement of reasons for allowance: Applicant's arguments provided in the remarks (see pgs. 9-12) are persuasive. The prior art of record does not suggest an optical disc having a ToC and a subchannel, whereby the ToC includes a start position of a track, the data portion located at the specified start position of the track is unrecoverable, whereby the subchannel indicates a payload start position that is different from the start position defined in the ToC, and the track includes recoverable payload at the payload start position. For these reasons, the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2432

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Sinquin et al. US 7,062,784 discloses a method and medium for preventing disk piracy. On col. 12:39-52, Sinquin discloses:

Other methods may also be implemented by error generator 62, based on the IEC 908 standard, to prevent CD-ROM drive 94 from successfully reading a particular track on CD 100. For example, the start time of a leadout of the track, as specified in the TOC of CD 100, carried in the subcode Q channel, may be set to an erroneous value, such as a value soon after the start of the data in the track. Alternatively, a time signature in the subcode Q channel of the track may be manipulated, for example, by making the absolute time of the track start before the end of the track leadin, or making the time flow constant or backwards for the track. Implementation of these methods will be clear to those skilled in the art.

5. In contrast to Sinquin's invention, Applicant's claimed invention defines an "unrecoverable data" located at the start time as specified in the TOC. See Applicant's Specification, pg. 5, lines 27-30 (examples of "unrecoverable data" are corrupted sync information, error detection codes or error correction codes to the extent that the data is not recoverable) and pg. 6, lines 20-23 ("By this method, a CD-ROM drive encounters an error in the data itself, rather than in the control information").

### ***Communications Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Kim/  
Primary Examiner, AU 2432